

REMARKS/ARGUMENTS

The present communication is responsive to the Official Action mailed June 14, 2005, finally rejecting all the claims currently pending in the application, namely, claims 1, 2, 4-9, 12 and 14-18. Of the pending claims, claims 1, 6, 12 and 15 are independent claims. All the remaining claims depend from one of the independent claims.

Claim 1 has been amended to now recite "associating an identity of a first entity with at least one of the first or second codes including setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code." Claim 1 has also been amended to recite "determining whether the first entity is authorized to be sent the changed characteristic value based on one of the one or more distinct update values."

Claim 6 has been amended to recite "determining whether the first entity is authorized to be sent the modified information based on the entity-data association and a distinct update value that indicates whether the first entity should be sent the modified information, and transmitting the modified information about the product to the first entity only if the first entity is determined to be authorized to be sent the modified information."

Claim 12 has been amended to recite "means for associating the identity of a first vendor with at least one of the first or second codes including setting one or more distinct update values that provide an indication of whether the first vendor is authorized to automatically receive changes to the first or second characteristic values." Claim 12 has also been amended to recite "means for determining whether the first entity is authorized to be automatically sent changes to either

the first or second characteristic values based on one of the one or more distinct update values."

Claim 15 has been amended to recite "associating an identity of a first entity with at least one of the codes including storing one or more distinct update values indicating whether the first entity is authorized to automatically receive updates to a characteristic associated with a code." Claim 15 has also been amended to recite "determining whether the first entity is authorized to be automatically sent changes to the at least one characteristic value based on one of the one or more distinct update values."

Each of the foregoing amendments are intended to better clarify the claimed invention and place the claims in proper form for appeal. Support for the foregoing amendments to claims 1, 6, 12 and 15 may be found by reference to, for example, FIG. 3 and paragraph [0040] of the specification. Applicants therefore respectfully submit that the amendments to the claims do not constitute the addition of new matter.

In the Official Action, the Examiner rejected all the claims under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,913,210 to Call ("Call") in view of U.S. Patent No. 6,763,384 to Gupta et al. ("Gupta"). With regard to claims 1 and 12, the Examiner states that "Call discloses the elements of the claimed invention as noted above but does not disclose sending the changed characteristic value to the first entity based on the determination [col 5, lines 1-3, access to data in certain forms only to authorized users]." (Official Action at 3.) The Examiner asserts, however, that "Gupta discloses sending the changed characteristic value to the first entity based on the determination [col 3, lines 1-12]." (Id.) Therefore, the Examiner concludes that it would have been obvious to "modify Call to include sending the changed characteristic value to the first entity based on the

determination as taught by Gupta for the purpose of immediately notifying an interested client of the occurrence of an event [col 2, lines 64-67]." (Official Action at 3-4.)

The Examiner rejected claims 6 and 15 on the same grounds set forth above for claims 1 and 12. (Official Action at 5-8.)

In responding to the applicants' arguments in the Amendment mailed May 6, 2005, the Examiner indicated that *Call's* disclosure of "Similar password, certificate or digital signature protection schemes may be used to provide access to certain data or to data in certain form[s] only to authorized requesters" reads on the determining step or means for determining limitation recited in each of the independent claims. (Id. at 9.) The Examiner was, however, "partially persuaded," as discussed above, that *Call* does not disclose the sending, transmitting or means for sending limitations recited in the independent claims.

Applicants respectfully submit that in view of the amendments to the claims, the combination of *Call* and *Gupta* do not render obvious any of the claims pending in the application. In particular, although *Call* discloses providing "access to certain data or to data in certain forms to authorized requesters," *Call* does not disclose "determining whether the first entity is authorized to be sent the changed characteristic value based on one of the one or more distinct update values," as is recited in claim 1.

In that regard, the Examiner has relied on col. 5, lines 1-3 of *Call* in rejecting the determining step of claim 1. Applicants respectfully submit that even though this portion of *Call* discloses different schemes "to provide access . . . to authorized requesters," those schemes are only concerned with initially registering users using *Call's* registration handler. (*Call*, col. 4, ln. 27 - col. 5, ln. 3.) Once a user is

registered in *Call*, that user or entity receives all changes relating to a product. That is, as distinguished from claim 1, no determination is made of whether the user "is authorized to be sent the changed characteristic value."

Furthermore, as the Examiner has explained, *Call* does not disclose "sending the changed characteristic value to the first entity based on the determination." (Official Action at 3.) Applicants respectfully submit that such is the case because in *Call* all registered users can access all the information. (See *Call*, col. 6, lns. 53-62; see also col. 6, ln. 63 to col. 7, ln. 39; col. 2, lns. 48-52.) Therefore, *Call* does not teach or suggest making a determination of which users should be "sent the changed characteristic value," as is recited in claim 1.

Furthermore, applicants respectfully submit that *Call* also does not disclose or suggest determining which users should be sent information based on a "distinct update value." In other words, *Call* does not disclose the use of "distinct update values" to discriminate which users should be sent product information. In this regard, in rejecting claim 1, the Examiner stated that *Call*, col. 3, lines 48-60 teaches the step of associating including the setting sub-step, as is recited in claim 1.

Applicants respectfully submit that col. 3, lns. 48-60 of *Call* does not disclose "setting one or more distinct update values." In particular, this portion of *Call* discloses the two primary functions of the product code translator 101 as illustrated in FIG. 2, to wit:

- "(1) its registration handler 203 accepts cross-references submitted by manufacturers which relate their assigned universal product codes to associated Internet addresses where information relating to their products may be obtained, and
- (2) its query handler 204 accepts queries via the

Internet 205, each query including all or part of one or more universal product codes, and returns the Internet addresses which can be used to obtain information about the products identified by those codes. The product code translator 101 may also advantageously perform other functions, examples of which are described below.

This portion of *Call* specifically discloses using the product code, which the Examiner asserts to be first or second code in the rejection, for responding to queries. In contrast, claim 1 now recites "setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code." Applicants respectfully submit that *Call* does not disclose the determining step of claim 1 because *Call* does not disclose an update value distinct from the universal product codes or Internet addresses. Claim 1 is therefore distinguishable over *Call* for at least this additional reason.

Applicants also respectfully submit that *Gupta* does not make-up for the foregoing deficiencies in *Call*. In particular, *Gupta* discloses determining the intended recipients of information over a network "using the databank of messages that the clients 110-118 wish to receive." (*Gupta*, col. 6, lns. 10-16.) Table 1 depicts the only specific examples of the type of messages in *Gupta*'s message databank. (*Id.*, lns. 31- 40.) Those messages do not include an update value distinct from the messages. Furthermore, *Gupta* does not suggest using a distinct update value to determine the intended recipient of those messages. With regard to claim 1, *Gupta* does not disclose or suggest "setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code." *Gupta* also does not disclose or

suggest "determining whether the first entity is authorized to be sent the changed characteristic value based on one of the one or more distinct update values." Thus, Gupta does not make up for the deficiencies in Call.

In view of the foregoing, applicants respectfully submit that Call and Gupta do not render claim 1 obvious for at least the foregoing reasons. Applicants also respectfully submit that Call and Gupta also do not render claims 6, 12 and 15 obvious for at least the foregoing reasons.

In particular, with regard to claim 6, neither Gupta nor Call disclose or suggest "determining whether the first entity is authorized to be sent the modified information based on the entity-data association and a distinct update value that indicates whether the first entity should be sent the modified information."

With regard to claim 12 the cited references do not disclose or suggest "means for associating the identity of a first vendor with at least one of the first or second codes including setting one or more distinct update values that provide an indication of whether the first vendor is authorized to automatically receive changes to the first or second characteristic values" or "means for determining whether the first entity is authorized to be automatically sent changes to either the first or second characteristic values based on one of the one or more distinct update values."

With regard to claim 15, the references do not disclose "storing one or more distinct update values indicating whether the first entity is authorized to automatically receive updates to a characteristic associated with a code" or "determining whether the first entity is authorized to be automatically sent changes to the at least one characteristic value based on one of the one or more distinct update values."

In view of the above, each of the presently pending

claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Lastly, as the applicants are filing this amendment two-months from the mailing date of the Official Action, applicants look forward to the prompt mailing of an Advisory Action indicating allowance of the claims.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By

  
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